



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, APRIL 4, 2017

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

6:00 P.M. (CLOSED SESSION)

7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

I. CALL TO ORDER by Mayor and ROLL CALL by City Clerk

CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(d)(1)

Means v. City of Milpitas, Santa Clara County Superior Court Case No. 16CV301785

II. CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present

III. PLEDGE OF ALLEGIANCE (7:00 p.m.)

IV. INVOCATION (Councilmember Bob Nuñez)

V. SCHEDULE OF MEETINGS – [COUNCIL CALENDAR April 2017](#)

VI. PRESENTATION

- Commendation to International Wushu Sanshou Dao Association

VII. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

VIII. ANNOUNCEMENTS

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR (Items with asterisks*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XII. APPROVE COUNCIL MEETING MINUTES - [March 21, 2017](#)

AGENDA REPORTS

XIII. UNFINISHED BUSINESS

1. Receive Report on Milpitas Volunteer Program and Internship Program (Contact: Councilmember Nuñez, 408-586-3023)

Background: City staff had a request from several elected officials who would like a briefing on the City's volunteer program and internship program. The Milpitas Volunteer Program (MVP) was formed in the early 1990s. MVP's purpose is to provide community service opportunities to both youth and adults at City of Milpitas events, special projects, and site specific programs. The Milpitas Volunteer Program's mission is to utilize the diverse talents of volunteers for the benefit of the City of Milpitas and the community as a whole. The Milpitas Volunteer Program is handled by the Recreation Department.

The Internship Program commenced in 2014. The purpose of this program is to provide educational enhancement and on-the-job experience for qualified college and high school students. Internships may be paid or unpaid and students may qualify to earn college credits. Although the City receives value from interns, the internship should teach the interns about their field of study and the benefits of working at local government. The Internship Program is handled by the Human Resources Department.

Fiscal Impact: None

Recommendation: Receive staff report and provide additional direction regarding the two programs.

Attachments:

- 1) [Milpitas Volunteer Partners information](#)
- 2) [Intern program flyers](#)

2. Provide Information on Cost Options for Including Closed Captioning Services for City Council and Planning Commission Meeting Webcasts (Staff Contact: Mike Luu, 408-586-2706)

Background: Staff was directed to research options and cost for adding closed captioning for Council meeting and Planning Commission meeting broadcast to Channel 15 and webcast via the City's website.

Closed captioning is the visual display of the audio piece in the video programming. Closed captioning was developed to aid hearing-impaired people, but it's also useful for other situations. For example, captions can be read when audio can't be heard in a noisy environment. The City provides video recording and streaming of its Council meeting and Planning Commission meeting to the public. The closed captioning option will initially be for the two types of meetings. The solution should be flexible and able to provide closed captioning to other video programming when needed.

Project/Program Analysis: Staff reached out to local cities and others throughout California to evaluate what solutions are being implemented. Staff also contacted the City's current vendors of PCD Santa Rosa and Telvue about their solution with integration into the City current video capturing infrastructure. Staff also conducted research for other solutions not included in the outreach with other cities.

Low Cost

High Cost

\$1 / minute	\$3 / minute
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Fiscal Impact:

Meeting Type	# of Meetings	Average Minutes per Meeting	Low	High
City Council	24	240 minutes	\$5,760/year	\$17,280/year
Planning Commission	24	120 minutes	\$2,880/year	\$8,640/year
			\$8,640/year	\$25,920/year

Recommendation: to receive the report on closed captioning costs for City Council and Planning Commission meetings.

Attachment: None

3. **Waive the First Reading and Introduce Ordinance No. 41.12 to Amend Milpitas Municipal Code Section I-500-1.14 Authorizing an Increase in Compensation to Planning Commissioners from \$25 to \$100 Per Meeting (Staff Contacts: Jane Corpus, 408-586-3125 and Brad Misner, 408-586-3273)**

Background: Pursuant to Milpitas Municipal Code I-500-1.14, Compensation for Attending Meetings, the City of Milpitas Planning Commission receives a compensation in the amount of \$25.00 for attending any regularly or specially scheduled Planning Commission meetings.

On April 25, 2016, the City Council voted to authorize an increase in compensation for each Commissioner attending Planning Commission meetings, from \$25 per meeting to \$100 per meeting. The Council meeting minutes are included in the agenda packet for reference. This Ordinance is now brought forward to effectuate this action in order to allow the increase in pay for service.

Fiscal Impact: Budget appropriations were made for fiscal year 2016-17 and therefore there would not be a new fiscal impact associated with the Ordinance.

Recommendations:

- Following a reading of the title by the City Attorney, waive the first reading beyond the title of Ordinance No. 41.12 to amend Milpitas Municipal Code I-500-1.14 to increase the amount of compensation for attending Planning Commission meetings from \$25.00 to \$100.00.
- Introduce Ordinance No. 41.12.

Attachments:

- [Ordinance No. 41.12](#)
- [City Council meeting minutes April 25, 2016](#)

- *4. **Authorize the Purchase of a Replacement Patrol Vehicle from the National Auto Fleet Group Through a Cooperative Procurement Contract and Approve a Budget Appropriation From the Equipment Fund for \$49,231.20 (Staff Contacts: Chris Schroeder, 408-586-3161 and Sean Heneghan, 408-586-2435)**

Background: This purchase is to replace Police Vehicle (PT03-2011) which was totaled in the line of duty. The City of Milpitas received \$50,273.66 in insurance reimbursement from the Association of Bay Area Governments (ABAG) to replace the vehicle and its equipment. The vehicle cost is \$36,231.20. The replacement equipment and additional paint work cost is estimated at \$13,000.00. The vehicle will be purchased cooperatively through the National

Joint Powers Alliance (NJPA). Cooperative purchasing through NJPA is specifically authorized pursuant to Municipal Code Section I-2-3.08 “Cooperative Procurement.”

Fiscal Impact: Need a budget appropriation for a total of \$49,231.20 from the Equipment Fund. \$36,231.20 for the purchase of the vehicle which will be added to Non-Departmental budget and \$13,000 for the additional equipment and paint work will be added to the Fleet operating budget.

Recommendation: Approve the purchase of the replacement vehicle for \$36,231.20 and approve a budget appropriation of \$49,231.20 from the Equipment Fund to the Fleet Operating Budget and the Non Departmental budget to cover the purchase of the vehicle and the cost of the additional equipment and paint work.

Attachments:

- a) [National Auto Fleet Group letter](#)
- b) [Budget Change Form](#)

5. Receive a Report on Citywide Wireless Service (WiFi) Over the Last Ten Years and Options Going Forward (Staff Contact: Mike Luu, 408-586-2706)

Background: In 2003, the City of Milpitas partnered with Tropos brought forward one of the first Citywide public WiFi (wireless fidelity) service of its kind. In 2006, Earthlink took over operations with the objective to grow the network with newer equipment and customer base. Earthlink invested \$1.8 million and expanded the network to 300 nodes with 802.11g Motorola Canopy backhaul. With the new investment, Earthlink started the subscription-based model along with free public WiFi at City sites. The subscription-based business model did not attract enough subscribers to sustain operations. In 2008, the City took over operations and ownership of the network. The City then decided to partner with the non-profit Silicon Valley Unwired to move away from the subscription-based model. Even with the free non-subscription based model, adoption rate was low. At its daytime peak usage, there were about 650 users or less than 1% of the population.

Across the country today, fiber broadband networks and high-capacity wireless networks are becoming drivers and enablers of robust economic development and global competitiveness. It is fostering educational opportunities and addressing the digital divide. The City is open to evaluating the new technology with the goal of providing opportunities to its residents.

Fiscal Impact: None.

Recommendation: Receive the report on Citywide WiFi and direct staff to initiate an RFQ (Request for Qualifications) for a high-capacity wireless/fiber network.

Attachment: None

*** 6. Receive Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

Background: From February 10 through March 9, 2017, the Bay Area Air Quality Management District (BAAQMD) forwarded 210 complaints originating in Milpitas. 102 complaints identified a garbage odor, 3 complaints identified a sewage odor, 100 complaints did not identify an odor source, and 5 identified multiple odor sources. As of the last Council update, the City’s odor reporting website has received 40 reported complaints.

California Environmental Quality Act: The item is exempt from CEQA as there will be no physical change to the environment.

Fiscal Impact: None.

Recommendation: Receive the monthly update of the odor control report.

Attachment: None

XIV. REPORTS OF MAYOR

- *7. Per Recommendation of Mayor Tran, Consider Re-appointing One Economic Development Commissioner (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Per recommendation of Mayor Tran, move to re-appoint current Commissioner Dhaval Brahmhatt to another term of service on the Economic Development Commission, to a 3-year term that will expire in April of 2020.

Attachment: None

- 8. Consider Request to Authorize More Than Four Hours of Staff Time to Establish a Clear Policy on Use of Information Services Staff (Contact: Mayor Tran, 408-586-3029)**

Background: Mayor Tran is making a request regarding the use of more than four hours of staff time on Information Services. This is not a request for the Mayor to use more than four hours of I.S. staff time, but to establish a clear policy on the use of I.S. staff for city matters only.

Recommendation: Hear request of Mayor, and direct staff accordingly.

Attachment: None

XV. NEW BUSINESS

- * 9. Approve Mid-Year Budget Appropriations and Changes for the FY 2016-17 Operating and Capital Improvement Program Budget (Staff Contact: Jane Corpus, 408-586-3125)**

Background: The City's budget policy requires that any additional appropriations to a department, capital improvement project's budget or re-appropriation of monies from one fund to another must be approved by the City Council. These requests are summarized below and quantified in the schedule included in the agenda packet.

The requested budget adjustments deemed to be necessary at mid-year include the following budget changes and authorizations which fall into the categories of operations and capital projects:

Operations:

- 1. Increase budget appropriation in the amount of \$20,000 from the Automation Fund for Peelle Technologies contractual service** to cover the cost of imaging construction documents. Due to an increase in building permit submittals and building permit issuance, there is a need to increase the imaging budget to allow for digitizing approved construction documents. **The cost of imaging is a fully recovered cost paid by applicants at the time of permit issuance.**
- 2. Increase budget appropriation in the amount of \$8,000** from donations received for the Veterans Commission and for Center Stage to be placed in the Special Events function of the Recreation and Community Services Department. Those funds will be used to support the Veterans Car Show, Veterans Luncheon and Centerstage program costs.

3. **Increase budget appropriation in the amount of \$36,000 from the Equipment Replacement Fund** to replace an old passenger van in the Recreation Department. The current van is aging and restricted to class B drivers only. The purchase of a new van provides opportunities for Recreation and Community Services to utilize the vehicle for multiple programs and functions. There is currently \$36,000 available in the replacement fund for this item.
4. **Increase budget appropriation in the amount of \$1,269,109 from the Sale of the McCandless Property to the Milpitas Unified School District for Soil Remediation.** The City of Milpitas and Milpitas Unified School District (District) entered into a Purchase and Sale Agreement dated October 21, 2014, amended by the First Amendment dated October 6, 2015, and the Second Amendment dated August 23, 2016, for the District to purchase 6.7 acres of City-owned property on McCandless Drive. The District's intended use for the site is construction of a new elementary school. The Second Amendment to the Purchase and Sale Agreement allowed for reimbursement of costs the District incurred for site remediation work performed. This cost was offset with the revenue received from the purchase of the property sold to the District.
5. **Reallocate employee leave cash-out in the amount of \$145,000 from General Fund Non-Departmental to the Engineering Department.** The annual leave cash-out is routinely budgeted in non-departmental as a placeholder for employee separations as those occur.
6. **Increase budget appropriation in the amount of \$20,000 from the General Fund for Street Maintenance Overtime.** The request for increased funding is due to unanticipated increase in the overtime workload to address an extreme storm season. There were multiple significant storm events between January 7-13, 2017 and February 13-22, 2017, for which Street Maintenance crews were called out to address reports of flooding, landslides, roadway repairs, downed trees, debris, and other issues caused by the storms. Many of these issues occurred after hours, on weekends, and over holidays, resulting in the need for Public Works staff to be called out for overtime. In contrast to the storm experience of neighboring cities, Milpitas residents and businesses did not experience the degree of damage or financial impact from the storms courtesy of pre-planning and immediate dispatch of staff.

Capital Improvement Program (CIP) projects:

7. **Create a CIP project for Daniel Court Water Main & Service Replacement.** This project will provide for the construction of approximately 1,300 linear feet of waterline, service laterals and replace meters along both legs of Daniel Court that have reached the end of their service life. The existing main service laterals and water meters were installed in the early 1980s and due to their age and the type of pipe material the pipes are now brittle. These pipes are problematic and are requiring frequent repairs to correct leaks and line breaks. These issues result in a loss of water and service outage for customers. **The proposed replacement on Daniel court (including the main, service laterals, and meters) would cost an estimated \$1.5 million and would be funded through the Water Capital Surcharge.** Due to the number of recent repairs, staff considers the completion of this project one of high priority in order to eliminate probability of emergency repairs, damage to property, and water loss. The engineering design for the project is already underway and funded through the existing Fire Hydrant Replacement project No. 7110. Staff anticipates starting construction in May of 2017.
8. **Create a CIP Project for the purchase of a MedEvac Emergency Rescue Vehicle and a corresponding storage structure. The cost of \$406,465 would be funded from the General Government CIP fund.** As occurs in all communities, in Milpitas first responders must be prepared to mitigate all potential threats to residents and critical infrastructures. The most serious threats may include natural disasters, violent crime,

criminal mass casualty events such as active shootings, or other acts of terrorism. The majority of criminal offenders arrested in this community over the past few years do not have a Milpitas address. The current ease of transit through Milpitas via two major interstate highways, State Route 237 and Montague Expressway is certainly a contributing factor. And the ease and convenience of transit into Milpitas will be greatly enhanced when BART begins revenue service later this calendar year. To effectively plan and prepare, the City's exposure to crime must be viewed from a broad, regional perspective. The Milpitas Police Department maintains a highly trained Special Weapons and Tactics (SWAT) Team of fifteen (15) officers and sergeants to respond to high risk critical incidents. In addition to the previously mentioned threats, the SWAT Team is tasked with responding to all incidents requiring tactics and capabilities which exceed that of the average police officer on patrol, including hostage situations, barricaded armed suspects, serving high-risk search and arrest warrants, or any incident involving suspects known to be violent and armed.

The Department does not have a reliable vehicle to protect the team and endangered citizens from ballistic and projectile attacks and enable SWAT officers the ability to treat injured citizens and/or bring medically trained professionals into danger areas with reasonable safety. The MedEvac is a complete tactical vehicle/ambulance with hardened walls and blast proof windows that protect passengers from high caliber ballistic and projectile attacks, which allows the SWAT Team to deploy directly into "hot zones." The vehicle provides advanced life saving features, such as space for two emergency litters (rescue baskets), adjustable overhead lighting, medical supply storage, IV hookups, and two jumbo oxygen tanks that will allow the team to provide aid and transport the critically wounded. The vehicle also has four-wheel drive capability to allowing staff to work off road or maneuver through road debris that may exist during a natural disaster. The vehicle can fit up to 10 SWAT Team members or up to 20 civilians in need of rescue from violent incidents or natural disasters. In order to extend the useful life of the MedEvac Emergency Rescue Vehicle, it should be stored indoors. Due to its size, it could not be stored in any existing facilities, so a dedicated storage structure is needed. The estimated cost of materials, labor, etc. for the storage structure is \$25,000.

9. **Increase budget appropriation in the amount of \$1,500,000 from the TASP Fund for CIP Project 2008 Montague Pedestrian Overcrossing at Piper Drive.** The \$1.5 million budget appropriation will be used to complete environmental documentation and final design of Montague Expressway Pedestrian Overcrossing at Piper Drive.
10. **Create a CIP Project for the purchase of an Interactive Learning Objectives (MILO) Range Theatre 180 System.** The cost of \$99,279 would be funded from the **Equipment Replacement Fund (\$83,204) and the General Government CIP fund (\$16,075).** The Milpitas Police Department maintains a highly trained police force and is often confronted with split-second decision-making when dealing with highly stressful critical incidents. In 2001, the Milpitas Police Department purchased and installed the Range 2000, which is an interactive range simulation system as part of the Firearms Training Program. Due to age, the Range 2000 system is now antiquated and several of its key components are no longer functional. The MILO Range Theatre System is an upgraded interactive video training simulator, similar to the Range 2000, and comes equipped with hundreds of scenarios. It is a comprehensive solution that is designed to allow trainers the ability to give presentations, conduct interactive testing and assessment and provide immersive hands-on scenario based exercises with detailed debriefings. It also provides training in the application of the use of force and the escalation / de-escalation during crisis situations.
11. **Increase budget appropriation in the amount of \$200,000 for CIP No. 4273 Street Landscape Irrigation using one-time General Fund revenue from the sale of the McCandless property.** These funds will be used to purchase additional power

equipment, vehicles and irrigation supplies necessary for Public Works staff to properly maintain and manicure the street landscaping medians and streetscapes. Due to the drought the City's landscape and irrigation systems need additional attention and restoration, this equipment will allow staff to most effectively and efficiently transport crews and equipment to the various locations to complete restoration of existing streetscape locations. As a result this appropriation will improve City streetscapes overall appearance, reduce irrigation leaks associated with disrepair irrigation systems and allow for more effective removal of nuisance weeds. Equipment and supplies purchases will include: two Ford F-250 Crew Cab with Utility box and lift gate, one Ford F-150 Regular Cab, one Big Tex 70SR dump trailer, dump trailer and various power tools. Staff requests these funds prior to next fiscal year to ensure ample attention prior to the start of summer season.

Fiscal Impact: Net impacts (use of funds) to the requests above is: Automation Fund \$20,000; Equipment Replacement Fund \$119,204; Water Capital Surcharge Fund \$1,500,000; General Government CIP Fund \$422,540; and Transit Area Specific Plan Fund \$1,500,000.

Recommendation: Approve the Fiscal Year 2016-17 mid-year budget appropriations/transfers as itemized in the budget change form (included in the Council agenda packet).

Attachments:

- a) [Table: FY 2016-17 Mid-Year Budget Appropriation Requests Fund Impact](#)
- b) [FY 2016-17 Budget Change Form](#)

***10. Approve Collaboration with the Milpitas Unified School District for the Milpitas Elementary Olympics (Contacts: Councilmember Nuñez, 408-586-3023 and Renee Lorentzen, 408-586-3409)**

Background: At the direction of City Council, Recreation staff worked with the Milpitas Unified School District (MUSD) to assess a partnership to bring back the Milpitas Elementary Olympics (MEO). The MEO was a popular event in which all Milpitas Elementary schools participated in friendly competition in Olympic style activities and games. The Olympics inspired and promoted fitness, goal setting and comradery among the students, teachers and parents of the Milpitas community.

In a 50/50 partnership with the Milpitas Unified School District, the Olympics would return in late Spring 2018 and include opening and closing ceremonies, and include up to 10 competitive events for elementary age kids. Each elementary school site would work with their students and hold a qualifying period through its Physical Education program where children will be selected to represent their school at the finals on Milpitas Elementary Olympic Day.

Fiscal Impact: This event is not currently in the proposed Recreation and Community Services Department FY 2017-18 budget. If approved by City Council, the cost of the City's share of this event (\$17,352) will be included in the FY 2017-18 Recreation budget to support the proposed partnership.

Staff time (event prep & day off):	\$ 9,845
Supplies and misc.:	\$ 7,507 * half of total event cost, other half budgeted by MUSD
	\$17,352

Recommendations:

- 1) Approve a partnership with the Milpitas Unified School District for the Milpitas Elementary Olympics 2018.

- 2) Direct staff to add \$17,352 into the Recreation and Community Services Department operating budget for FY 2017-18 budget.

Attachment: [Draft Budget for Milpitas Elementary Olympics](#)

11. Consider Request From the Milpitas Chamber of Commerce to Sponsor the International BBQ and Festival Event Scheduled May 20 - 21, 2017 (Staff Contact: Michael Fossati, 408-586-3274)

Background: The Milpitas Chamber of Commerce is proposing the 4th Annual International BBQ and Festival event. The Chamber requested the City to participate as a sponsor by waiving fees for City services for the event. The event is scheduled for May 20 – 21, 2017 between the hours of 10:00 AM – 6:00 PM on Alder Drive between McCarthy Blvd. and E. Tasman Drive. The Chamber wrote a letter to the City requesting the following services (copy in agenda packet):

- Waive all permit fees
- Waive all business license fees for vendors
- Waive all inspection fees
- Approve temporary signs related to the event
- Post event on electronic billboard located adjacent to Interstate 880
- Post event on electronic billboard located on E. Calaveras Blvd. at City Hall
- Waive rental and labor/material fees for mobile stage
- Waive rental and labor/material fees for barricades and traffic calming equipment for street closures
- Provide professional security for the event
- Provide life safety service for the event
- Provide traffic calming plan for event

For each of these services, City Departments provided approximate costs that would normally be applicable to an applicant. A breakdown of those services is found in the list included in the agenda packet.

For the City's participation, the Chamber indicates the City would receive recognition through the use of the City's name and logo on promotional and marketing materials and two booth spaces available for the City's use. The Chamber will fund any additional expenses for the event not covered by the City. Furthermore, the Chamber will procure all beverages, entertainment, contestants, vendors, and miscellaneous necessities for the success and safety of the event not covered by the City.

Fiscal Impact: \$21,480.48 in waived City services and \$8,214 in waived business license fees, totaling \$29,694.48. If approved by City Council, a portion of these costs will be charged to the City Council Unallocated Community Promotions budget line item.

Recommendations:

1. Approve the request from the Milpitas Chamber of Commerce for City services and authorization to use of the City's name and logo for promotional and marketing materials for the 2017 International BBQ and Festival on May 20 - 21, 2017.
2. Furthermore, direct the formation of an equal partnership between the City of Milpitas and the Chamber of Commerce for the planning of this event in future years and not scheduled to be in conflict with other events in neighboring communities.

Attachments:

- a) [Letter from Milpitas Chamber of Commerce, event description and layout](#)
- b) [Itemized list of fees and charges](#)

c) [Estimated City Costs by Department](#)

12. Receive Presentation from Milpitas Unified School District Superintendent on MUSD Enrollment Projections and Future High School Needs (Contact: Tom Williams, 408-586-3051)

Background: The Milpitas Unified School District (MUSD) recently updated its enrollment projections. An MUSD representative will present current enrollment projections and share the District's future school facility needs.

Fiscal Impact: None

Recommendation: Receive report from a Milpitas Unified School District representative.

Attachment: None

XVI. RESOLUTIONS

***13. Adopt a Resolution Approving Memorandum of Understanding with Milpitas Police Officers Association (MPOA) (Staff Contact: Tina Murphy, 408-586-3086)**

Background: The most recent Memorandum of Understanding (MOU) between the City of Milpitas and the Milpitas Police Officers Association (MPOA) expired on December 31, 2016. City representatives and representatives from the MPOA have met and conferred in good faith to negotiate a new contract. Agreement has been reached with a new successor Memorandum of Understanding effective January 1, 2017 through December 31, 2021. The MOU is included in the City Council's agenda packet and has been available for public review for the required ten day period.

Fiscal Impact: The first year of the proposed salary increase will be approximately \$678,436. The total compensation costs for the five year proposal is approximately \$24,960,474.

Recommendation: Adopt a resolution approving the Memorandum of Understanding with the Milpitas Police Officers Association covering the period of January 1, 2017 through December 31, 2021.

Attachments: [Resolution and \(Exhibit to resolution\) Memorandum of Understanding with Milpitas Police Officers Association](#)

***14. Adopt a Resolution Granting Initial Acceptance of Public Improvements, Approve a Reduction of Improvement Security for the Faithful Performance, and Authorize City Manager to Execute a Stormwater Management Operation and Maintenance Agreement for the Harmony Subdivision at 1765 McCandless Drive by D.R. Horton Bay, Inc. (Staff Contact: Judy Chu, 408-586-3325)**

Background: On November 15, 2011, the City Council approved a 276-unit Residential development project known as "the Harmony Subdivision" located at 1765 McCandless Drive (northwest corner of Montague Expressway and McCandless Drive, south of the East Penitencia Creek) by D.R. Horton Bay, Inc. (Developer). On October 16, 2012, the City Council approved the first final map Tract No. 10137, the Subdivision Improvement Agreement (SIA) for the subject project to ensure that the Developer will complete all public improvements required by the project. On April 16, 2013, the City Council approved the second final map Tract No. 10159.

Developer has provided improvement securities for the faithful performance in the total amount of \$7,000,000 for both final maps. Developer has completed all public improvements in accordance with project conditions and approved improvement plan no. 2-1162.

Pursuant to the SIA, upon final completion and initial acceptance of public improvements, the improvement security for the faithful performance shall be reduced to 10% of the security's original value for a one-year maintenance guarantee period of those public improvements. Therefore, the improvement security shall be reduced to \$700,000.

Project condition no. 52.c. requires the property owner to execute and record a Storm Water Management Operation and Maintenance Agreement (the "Agreement") with the City for the operation, maintenance and annual inspection of the storm water treatment facilities, prior to final building occupancy. The Agreement was reviewed by the City Attorney as to form and by the Director of Engineering as to content.

California Environmental Quality Act: The Harmony Subdivision is located within the Transit Area Specific Plan (TASP) area previously approved by the City Council that is consistent with the TASP Environmental Impact Report pursuant to CEQA Guideline 15168(c)(2). Granting initial acceptance of public improvements, approving reduction of improvement security for faithful performance and execution of the Agreement are not considered projects under CEQA as there will be no direct or reasonably foreseeable indirect physical change in the environment.

Fiscal Impact: None

Recommendations:

1. Adopt a Resolution granting initial acceptance of public improvements and approving a reduction of improvement security for the faithful performance.
2. Authorize the City Manager to execute a Stormwater Management Operation and Maintenance Agreement.

Attachments:

- a) [Resolution](#)
- b) [Stormwater Operations & Maintenance Agreement](#)

- *15. Adopt a Resolution Granting Initial Acceptance of Public Improvements and Approve a Reduction of Improvement Security for the Faithful Performance of the PACE Subdivision at 300, 324-368 Montague Expressway by Contour Trade Zone, LLC (Staff Contact: Judy Chu, 408-586-3325)**

Background: On November 15, 2011, the City Council approved a 134-unit residential development project known as "the PACE Subdivision" located at 300, 324-368 Montague Expressway (northeast corner of Montague Expressway and Trade Zone Boulevard) by Contour Trade Zone (Developer). On March 19, 2013, the City Council approved the final map Track No. 10138 and the Subdivision Improvement Agreement (SIA) for the subject project to ensure that the Developer will complete all public improvements required by the project.

Developer has provided improvement securities for the faithful performance in the total amount of \$1,900,000 for the final map. Developer has completed all public improvements in accordance with project conditions and approved improvement plan no. 2-1161.

Pursuant to the SIA, upon final completion and initial acceptance of public improvements, the improvement security for the faithful performance shall be reduced to 10% of the security's

original value for a one-year maintenance guarantee period of those public improvements. Therefore, the improvement security shall be reduced to \$190,000.

California Environmental Quality Act: The PACE Subdivision is located within the Transit Area Specific Plan (TASP) area previously approved by the City Council that is consistent with the TASP Environmental Impact Report pursuant to CEQA Guideline 15168(c)(2). Granting initial acceptance of public improvements and approving reduction of improvement security for faithful performance are not considered projects under CEQA as there will be no direct, or reasonably foreseeable indirect physical change in the environment.

Fiscal Impact: None

Recommendation: This matter is requested to be deferred to the next regular City Council meeting date of April 18, 2017.

Attachment: [Resolution](#)

***16. Adopt a Resolution Granting Initial Acceptance of, and Reducing the Performance Bond for Street Resurfacing 2016, Project No. 4280 and Granting Authorization to the City Engineer to Issue the Notice of Final Acceptance and to Release the Performance Bond After the One-Year Warranty Period (Staff Contact: Steve Chan, 408-586-3324)**

Background: The City Council awarded the Street Resurfacing 2016, Project No. 4280, to O'Grady Paving, Inc. on August 2, 2016. The project consisted of localized repair of failed asphalt concrete pavement, resurface asphalt concrete pavement, install ADA compliant sidewalk ramps, repair damaged sidewalk, curb and gutter and reinstall pavement delineation on the following street segments:

- 1) McCarthy Boulevard between Barber lane and Tasman Drive
- 2) Tasman Drive between McCarthy Boulevard and Alder Drive.

The project was successfully completed on time and within budget. Staff recommends that City Council adopt a resolution granting initial acceptance of the project and authorize the reduction of the contractor's faithful performance bond to \$201,037, which is 10% of the final contract value. Staff also recommends that the City Council authorize the City Engineer to issue the Notice of Final Acceptance and to release the performance bond after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the City Engineer.

Fiscal Impact: None.

Recommendation: Adopt a resolution granting initial acceptance for Street Resurfacing 2016, Project No. 4280 subject to a one year warranty period and reduction of the faithful performance bond to \$201,037; and granting authorization to the City Engineer to issue the notice of final acceptance and to release and discharge the performance bond after the one-year warranty period without further City Council action.

Attachment: [Resolution](#)

XVII. CONTRACT & BIDS

***17. Approve Plans and Specifications and Authorize Advertisement for Bid Proposals for Street Resurfacing 2017, Project No. 4284 (Staff Contact: Steve Chan, 408-586-3324)**

Background: Staff completed plans and specifications for Street Resurfacing 2017, Project No. 4284. The work will include localized repair of failed asphalt concrete pavement, resurface asphalt concrete pavement, install Americans with Disability Act-compliant

sidewalk ramps, repair damaged sidewalk, curb and gutter and reinstall pavement delineation on the following street segments:

- 1) Milpitas Boulevard between Hanson Court and northerly City limit, and
- 2) Dixon Landing Road between Milpitas Boulevard and 400 feet east of Milmont Drive.

This project will also include localized repair of failed asphalt concrete pavement on the following street segments:

1. McCarthy Boulevard between Ranch Drive and northerly City limit
2. Abbott Avenue between Calaveras Boulevard and Spence Avenue
3. Main Street between Corning Avenue and Curtis Avenue
4. Yosemite Drive between Milpitas Boulevard and Vista Way
5. Dempsey Road between French Court and Landess Avenue
6. Tasman Drive between Alder Drive and I-880 overpass.

California Environmental Quality Act: The project is categorically exempt under CEQA Article 19 Section 15301 for maintenance of existing public streets.

The Engineer's Estimate for the project is \$3,200,000. A copy of the title sheet of the project plans is included in the Council's agenda packet, and the complete set of plans and specifications are available for review in the office of the City Engineer.

Fiscal Impact: None. Sufficient funds are available in the project budget.

Recommendation: Approve plans and specifications for Street Resurfacing 2017, Project No. 4284, and authorize advertisement for bid proposals.

Attachment: [Plan Title Sheet for Streets Resurfacing 2017](#)

- *18. Authorize the City Manager to Award and Execute a Contract for Installation and Maintenance of Full Trash Capture Devices (Staff Contact: Leslie Stobbe, 408-586-3352)**

Background: The reissued Municipal Regional Stormwater Permit (MRP) issued by the California Regional Water Quality Control Board to jurisdictions in the San Francisco Bay area (Order R2-2015-0049) became effective on January 1, 2016. The MRP requires Permittees to demonstrate the following reductions in trash discharged from storm drain systems: 70% by July 2017; 80% by July 2019; and "No Visual Impact Equivalent" by July 2022. As a result of established source controls, the City demonstrated a 43% trash reduction from stormwater as of July 2016.

To achieve the 70% compliance target by July 2017, the City contracted with a consultant in late 2016 to conduct a Citywide Trash Capture Feasibility Study that identified locations for full capture devices in the City's storm drainage system and provided a preliminary cost-benefit analysis for different device types and locations. Based on this evaluation, City staff has moved forward with a vendor selection process to install 94 devices in storm drain inlets throughout high and moderate trash generating areas. The City Council previously approved Project No. 3713 – Trash Removal Devices in the FY 2016-17 Capital Improvement Project budget in the amount of \$350,000 to purchase and install these devices.

Staff prepared a Request for Proposals (RFP) with the bid opening set for April 18, 2017. In an effort to allow installation to begin in mid-May, staff requests that the City Manager be authorized to award and execute a contract with the lowest responsible bidder. Proposals to install full trash capture (FTC) devices will include a description of the specific trash control device to be installed. Each description must contain the merits of the device(s) and an outline of the maintenance procedures. Proposals also must detail the cost to purchase and install each device and provide at least two references from other public agencies in which

FTC devices specified have been installed. City staff will contact the references for information about the performance of the installed FTC devices.

Based on bid submittals, City staff will determine whether the FTC devices will be maintained by Public Works Department utilities staff or by contracting the regular servicing to a vendor. The MRP requires reporting of two annual inspections and the maintenance activities taken.

To allow the City to achieve the next milestone, 80% trash reduction from the storm drain system by 2019, City staff is evaluating the costs of installing full capture devices at additional locations and to increase the number and frequency of creek cleanups.

California Environmental Quality Act: Source control actions taken to meet California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit, Order Number R2-2015-0049 NPDES Permit No. CAS612008 November 19, 2015, are exempt from CEQA under CEQA Guidelines Sections 15307 and 15308 as actions taken to assure the maintenance, restoration, enhancement, or protection of the environment.

Alternative: Take no or limited actions that can result in failure to meet the 70% trash load reduction requirement discharged from storm drain systems. Potential negative impacts to the City are Notices of Violations, fines and administrative penalties issued by the Regional Water Quality Control Board.

Fiscal Impact: Fiscal impact will depend upon chosen device and maintenance costs, however analysis of recent RFPs from other cities shows a reasonable expectation of the estimated costs outlined here:

Example 1*	Description	Quantity	Estimated Cost	Estimated Total
Inlet Filter Device	Catch Basins (ID < 1000 sq. inch area, 30" x 30" = 900 sq. inch area)	94	300.00	28,200
Maintenance – one year	Billed after each of two annual visits.	188	\$60/filter	11,200
Installation	Furnish and Install 94 FTC units.	94	165.00	15,510
Pre-tax Total				\$54,940

Example 2*	Description	Quantity	Estimated Cost	Estimated Total
Stainless Steel Device	Catch Basins (ID < 1000 sq. inch area, 30" x 30" = 900 sq. inch area)	94	650.00	61,100
Maintenance – one year	Billed after each of two annual visits.	188	\$200/device	37,600
Installation	Furnish and Install 94 FTC units.	94	300.00	28,200
Pre-tax Total				\$126,900

*Cost estimates based on recent proposals from vendors responding to RFPs from other Santa Clara County municipalities

Recommendation: Authorize the City Manager to award and execute a contract with the lowest responsible bidder for the installation and maintenance of 94 full trash capture devices in storm drain inlets for an amount not to exceed \$350,000.

Attachment: [\(Trash Full Capture report \)](#)

XXI. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XXII. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING:

TUESDAY, APRIL 18, 2017